

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD V. BARRIO, JR.,)	
)	CASE NO. 3:20-cv-05848-RAJ
Plaintiff,)	
)	PROPOSED ORDER
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on May 19, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization

1 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are
2 met.

3 Having thoroughly considered the parties' briefing and the relevant record, the
4 Court hereby GRANTS the motion and awards Plaintiff \$5,927.04 in attorney's fees,
5 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560
6 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be made payable to and sent to
7 Plaintiff's attorney: David Oliver at David Oliver & Associates, 2608 South 47th Street,
8 Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff
9 attorney, David Oliver at David Oliver & Associates, if and to the extent that the
10 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal
11 Treasury Offset program.
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13 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is
14 GRANTED;

15 DATED this the 21st day of September, 2021.
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19 The Honorable Richard A. Jones
20 United States District Judge
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